

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

RBP, LLC,

Plaintiff,

v.

GENUINE PARTS COMPANY and
INDIANA INSURANCE COMPANY,

Defendants.

NO: 1-04-1154-T/AN
Jury Demanded

GENUINE PARTS COMPANY,

Third-Party Plaintiff,

v.

ALLIANZ GLOBAL RISKS U.S.
INSURANCE COMPANY and
LEXINGTON INSURANCE COMPANY,

Third-Party Defendants.

MOTION AND MEMORANDUM OF LAW SEEKING LEAVE TO FILE REPLY
MEMORANDUM OF LAW IN SUPPORT OF
THIRD-PARTY DEFENDANT ALLIANZ GLOBAL RISKS U.S. INSURANCE
COMPANY'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to the Court's Rule 16(b) Scheduling Order, Third-Party Defendant Allianz Global Risks U.S. Insurance Company ("Allianz") hereby moves this Court for leave to file a reply brief in support of its previously filed Motion for Partial Summary Judgment. In support of this motion, Allianz states as follows:

1. On October 19, 2005, Allianz filed its Motion for Partial Summary Judgment and Memorandum of Law in Support seeking summary judgment with respect to Genuine Parts

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This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 12/28/05

MOTION GRANTED

DATE: 22 December 2005

James D. Todd
James D. Todd
U.S. District Judge

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Company's bad faith claim and seeking a ruling that any proceeds due under the Allianz policy be limited to actual cash value.

2. All three opposing parties, including Indiana Insurance Company ("Indiana") who admitted that Allianz's Motion for Partial Summary Judgment was not directed at Indiana¹, filed memoranda of law in opposition to Allianz's Motion.

3. Allianz seeks the Court's leave to file a reply brief in order to respond to the arguments raised in Genuine Parts Company's Response in Opposition to Allianz's Motion for Partial Summary Judgment, Plaintiff, RBP, LLC's Response in Opposition to Third-Party Defendant Allianz Global Risks U.S. Insurance Company's Motion for Partial Summary Judgment and Defendant Indiana Insurance Company's Response to Allianz Global Risks U.S. Insurance Company's Motion for Partial Summary Judgment.

4. Allianz's proposed reply brief is attached hereto as Exhibit A.

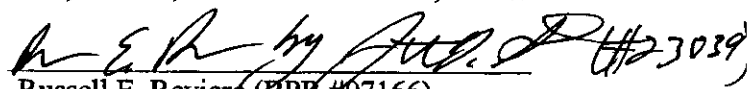
5. A Certificate of Consultation is attached hereto as Exhibit B.

WHEREFORE, Allianz prays the Court allow it to file the attached Reply Memorandum of Law in Support of Third-Party Defendant Allianz Global Risks U.S. Insurance Company's Motion for Partial Summary Judgment.

This 2nd day of December, 2005.

Respectfully submitted,

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¹ See Defendant Indiana Insurance Company's Response to Allianz Global Risks U.S. Insurance Company's Motion for Partial Summary Judgment, at p. 2.

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CERTIFICATE OF SERVICE

This certifies that a copy of the foregoing **Motion and Memorandum Seeking Leave to File Reply Memorandum Of Law In Support Of Third-Party Defendants Allianz Global Risks U.S. Insurance Company's Motion for Partial Summary Judgment** was served upon the following via federal express on this 2nd day of December, 2005:

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Notice of Distribution

This notice confirms a copy of the document docketed as number 184 in case 1:04-CV-01154 was distributed by fax, mail, or direct printing on December 28, 2005 to the parties listed.

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